

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0515-06
Bill No.: Truly Agreed To and Finally Passed HS for HCS for SB 184
Subject: Crimes and Punishment; Criminal Procedure; Highway Patrol
Type: Original
Date: May 28, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue*	(\$948,375)	(\$788,537)	(\$791,966)
Total Estimated Net Effect on General Revenue Fund*	(\$948,375)	(\$788,537)	(\$791,966)

*Includes MHP costs subject to appropriation (\$570,341 FY 04; \$121,799 FY 05; \$180,236 FY 06) and DHSS costs to continue funding of current program (\$3,512,369 FY 04; \$666,738 FY 05; \$666,783 FY 06)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Criminal Records Systems	\$1,673,731	\$177,375	\$171,516
Highway	(\$6,360)	\$0	\$0
Urban and Teacher Education Revolving	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$1,667,371	\$177,375	\$171,516

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 19 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Higher Education, Department of Transportation, Department of Mental Health, Department of Public Safety – Director’s Office, Missouri Gaming Commission, Office of Secretary of State, Office of State Public Defender, Linn State Technical College, Truman State University**, and the **University of Missouri** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume Section 43.650 of the proposed legislation would only be implemented subject to appropriations. This section would require the development of an Internet application to import data from the existing Sex Offender Registry and make it available as an Internet application. Application, interface, and network support would be required. Additionally, the photograph requirement needs to be addressed as to the responsibility of input and format.

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ASSUMPTION (continued)

The MHP's Information Systems Division (ISD) would require 1 FTE Computer Information Tech Specialist I (CITS) (at \$41,556 per year) as a result of the legislation. The CITS would be responsible for designing, developing, maintaining the application and hardware, ensuring security, and monitoring the network infrastructure for the web site and would require the standard office equipment.

ISD would also require consulting services to mentor, facilitate, and educate the new CITS on the initial design and development of the application to post the registry to the web site and the specialized searching based upon submitted criteria. The system would be a Lotus Notes implementation, with cost estimates utilizing state contract prices. ISD estimates the cost of these consulting services to be \$111,000 in FY 04. ISD would also require hardware and software capable of hosting the new application and accommodating the anticipated increase in server access traffic. ISD estimates the cost to the General Revenue Fund to be \$519,090 in FY 04; \$121,799 in FY 05; and \$125,228 in FY 06.

The MHP's Criminal Records and Identification Division (CRID) assumes there would be approximately 600 new registered offenders each year due to the provisions in Section 43.650, which would only be implemented subject to appropriations. Each registrant would require Internet entry and verification. The associated fingerprint card would need to be prepared, verified, entered, and scanned/refiled. In addition, updates to the 9,000 existing registered offenders would be required. Therefore, CRID would require 2 FTE AFIS Entry Operators (each at \$18,132 per year) to enter the sex offender registrants onto the Internet, to handle questions and complaints, and to enter and verify updates. These FTE would require standard office equipment. CRID estimates the cost to the Criminal Records Systems Fund to be \$53,906 in FY 04; \$58,298 in FY 05; and \$59,759 in FY 06.

The MHP also assumes the proposed legislation would also revise various criminal background checks the MHP conducts for the Department of Revenue, Department of Elementary and Secondary Education, and the Department of Social Services – Division of Family Services.

The MHP's Information Systems Division (ISD) anticipates an increase in the number of additions and modifications at the State Data Center based on the number of checks created by the proposed legislation. ISD estimates that the number of fingerprint backgrounds would increase by 165,686 in the first year ($124,465 * DESE + 32,071 * DFS + 9,150 * DOR$). After the initial onset of backgrounds, ISD estimates that there would be 48,555 ($27,382 + 19,160 + 2,013$) each year. This would require 165,686 applicant/participant records be created and modified in the first year, and 48,555 to be modified annually thereafter.

ASSUMPTION (continued)

For every background check, there is an inquiry and response to both the state data center and the FBI, which results in at least 4 CICS transactions per background check. Estimating that it takes 20 times more service units for creation/modification than just an average inquiry, ISD estimates the State Data Center Charges to be \$11,658 in the first year and \$3,390 per subsequent year.

Based on processing 48,555 fingerprint cards per year, the MHP's Criminal Records and Identification Division (CRID) would require 5 new FTE as a result of the proposed legislation. These FTE would be placed on shifts as needed. It is expected that most of the FTE would be 2nd and 3rd shift employees, so they would not require any equipment. However, if any are placed on the 1st shift, standard equipment will be needed at a cost of \$3,339 per FTE (one time) and \$635 per FTE (recurring). These FTE would consist of 3 FTE Fingerprint Technicians (each at \$21,192 per year) to verify and provide quality control on "hit/no hit" criteria utilizing the AFIS system to answer positive matches; 1 FTE AFIS Entry Operator (at \$18,132 per year) to compare, verify, and maintain current name search criminal history record information and also determine through on-line sources prior criminal history in order to update RAP sheets and release results to requesting agencies; and 1 FTE Fingerprint Technician Supervisor (at \$29,592 per year) to supervise and oversee the fingerprint processing and AFIS criminal history record information, and supervise the workflow process to commingle with priority and first in, first out processing.

The proposed legislation would affect Total State Revenue. The cost per each fingerprint check is \$38 (\$14 for state check, \$24 for FBI check pass through). For FY 04, $133,615 \times \$38 = \$5,077,370$. Of this amount, \$3,206,760 ($133,615 \times \24) will be passed through to the FBI for the cost of the FBI fingerprint checks. \$1,870,610 ($133,615 \times \14) will remain in the Criminal Records System Fund. For subsequent years, $29,395 \times \$38 = \$1,117,010$. Of this amount, \$705,480 ($29,395 \times \24) will be passed through to the FBI for the cost of the FBI fingerprint checks. \$411,530 ($29,395 \times \14) will remain in the Criminal Records System Fund.

The MHP did not include the revenue for the Division of Family Services because foster parents are not required to pay for the state portion of their background checks, so it would not result in new money for the Criminal Record System Fund. The money received for the nationwide check is passed through to the FBI. It would be $32,071 \times \$24 = \$769,704$ for the first year and $19,160 \times \$24 = \$459,840$ for each subsequent year.

ASSUMPTION (continued)

In response to similar legislation, officials from the **School District of Kansas City (KCSD)** assumed there will be additional cost to the district to obtain two sets of fingerprints from each applicant. This proposal indicates that the cost of the background checks could be passed on to applicants. It is highly unlikely that a teacher applicant will be willing to pay the fee given the current nation wide teacher shortage. For 300 applicants at \$14 per applicant, KCSD estimated the cost of the proposal to be \$4,200.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the changes in Section 43.540 allow a qualified entity to obtain a Missouri criminal record review and a national criminal record review of a provider through an authorized state agency. Included in the definition of “provider” is any person who has or may have unsupervised access to children. Included in the definition of “qualified entity” is any organization that provides educational services for children. DESE states, for FY 2002, there were 124,465 pupil-contact individuals throughout the state’s districts. At \$36 each for the national and state background checks, DESE estimates the cost to school districts to be \$4,480,740 (124,465 x \$36) in FY 04. Average turnover for teachers, administration, librarians, special services, and certified personnel in Missouri’s elementary, junior high, and high schools is 22 percent. Assuming a 22 percent turnover rate, DESE estimates the cost for subsequent fiscal years to be \$985,763.

DESE’s state schools perform annual routine criminal records checks on employees. In a one year period, DESE’s state schools requested 852 criminal record checks. In that same one year period, DESE requested 122 criminal records checks for employees in other divisions. HA 2 of the proposal removes the provision from Section 43.527 providing for Missouri state agencies to request information at no charge for screening their state employees or applicants for state employment. DESE assumes, under the proposed legislation, those checks would cost \$4,870 (974 checks x \$5 per check).

Oversight assumes the amount collected and passed through to the Missouri State Highway Patrol for criminal history checks to be \$38 each, or \$4,729,670 (124,465 x \$38) in FY 04 and \$1,040,516 (27,382 x \$38) in each subsequent year. Oversight is showing the fiscal impact to school districts as a cost of \$0 to \$4,729,670 in FY 04 and \$0 to \$1,040,516 in subsequent years because the language is permissive. It would be a local school district decision as to how much of the cost to reimburse to the individuals. Oversight also assumes the removal of the provision for state agencies to receive background information at no charge for employment purposes would revert to current statutory language; therefore, no additional cost would be incurred.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services** assume the provisions shortening the response time from 30 days would cause potential increased personnel costs to prosecutors' offices. The provisions requiring prosecutors to provide 8-digit charge codes (presently 5-digit codes) would also result in increased personnel costs.

In response to similar legislation, officials from the **Department of Corrections (DOC)** assumed this bill, if passed into law, revises various criminal background checks. Penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor. DOC also has a concern due to proposed language indicating MHP as the central repository of criminal records. DOC is uncertain whether the proposal precludes DOC (or any other agency) from keeping their own records, or whether the intent is that the records kept by MHP are the "official" records.

The DOC cannot currently predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

The DOC does not anticipate the need for capital improvements at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume Section 43.530 of the legislation will now require fingerprint collection for those applicants applying for a school bus permit, and the criminal history search to be based on those fingerprints. This will require the Customer Assistance Bureau to ask for applicants to submit their fingerprints on approved cards, which were obtained from the applicant's local law enforcement agencies. The Customer Assistance Bureau then would submit those fingerprints to the Highway Patrol with DOR's request for criminal history checks. Fees for the required criminal record checks would be paid for by the permit applicant.

This proposal will require the DOR's Information Technology Bureau to make programming changes to the school bus system to allow for the extra charges to be kept in the system and the extra costs to be calculated. DOR would also have to modify the program to calculate the price for the individual applicant that does not have the bus company pay for their permit. DOR would also have to modify the accounting report to include the breakdown of the dollars that would need to be sent to the highway patrol.

FY04

120	Hours of overtime for school bust permit system programming required
<u>x \$23</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,760	Total cost for school bus permit system programming

This proposal will require programming changes to MTAS in order to collect the fees for the criminal history checks and to disburse the fees to highway patrol.

FY04

80	Hours of overtime programming for MTAS
<u>x \$25</u>	Overtime hourly programming rate for a Computer Information Technologist III
\$2,000	Total cost for MTAS programming

This proposal will require testing of the program changes made to collect the criminal record search fee from the applicant.

FY04

80	Hours of overtime programming for testing
<u>x \$20</u>	Hourly overtime rate for Computer Information Technologist II
\$1,600	Total overtime testing costs

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ASSUMPTION (continued)

The proposal will create increased collections to the Criminal Record System Fund. This increase is due to increased costs charged by the Missouri State Highway Patrol for fingerprint based record searches. Currently, the Department of Revenue requests records by name and date of birth via electronic data exchange. The patrol completes these record checks at no cost. The fingerprint based searches will require the Department of Revenue to collect the \$14.00 record search fee from each applicant and an additional \$24 for the federal background check. The department will transmit the total collection to the patrol via SAMII. The patrol will deposit the total collections in the Criminal Record System Fund and make monthly disbursement to the Department of Justice for the remaining collections.

Officials from the **Department of Health and Senior Services (DHSS)** assume Section 43.527 of the proposal requires all agencies and persons to pay for criminal records checks and fingerprint searches. The Bureau of Emergency Medical Services (BEMS) currently requests background screenings and fingerprint searches on persons applying for licensure as an EMT or EMT-P. Currently, the bureau is not required to pay for these checks. Under the proposed section, the bureau will be required to pay for these checks. DHSS assumes that the DHSS will license at least 3,692 EMTs and EMT-Ps this year. The Highway Patrol charges \$14.00 per fingerprint check and \$5.00 for each background check. The DHSS is currently paying \$22.00 for FBI criminal background checks. The Department requested FBI checks on 110 persons in the first quarter of this year. The cost for background checks could be \$79,828 or more a year. The DHSS assumes this cost would be passed along to the licensee.

Sections 210.903.(8) and 210.909.(7) require the Family Care Safety Registry to check the Missouri Uniform Law Enforcement System (MULES) for sexual offender registrations. DHSS assumes they would require 1 FTE Computer Information Technician Specialist II (at \$60,912 per year) for 6 months to make necessary modification to the FCSR computer program. \$50,000 is included for the additional computer costs. These costs total \$85,555 for FY 04 only.

Section 210.937 deletes the sunset clause for the Family Care Safety Registry making the program permanent. The fiscal impact shown on worksheets represents the current program costs and not additional or increased funding for the program. The total to continue the current program only would be \$333,369 (PS=\$253,362; E&E=\$98,007) for the first six months in FY04 and \$666,738 (PS=\$470,724; E&E=\$196,014) annually thereafter.

DHSS estimates the total cost of the proposal to be \$418,924 in FY 04 and \$666,738 in FY 05 and FY 06.

ASSUMPTION (continued)

Oversight has, for fiscal note purposes only, changed the starting salary for the Computer information Technician Specialist II to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees over the last six months of FY 2002 and policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

Officials from the **Department of Social Services (DOS)** assume the proposed legislation would have no fiscal impact on their agency. The proposal deletes the prohibition against the Missouri State Highway Patrol (MHP) from charging other state agencies a fee for background checks on their employees. Deleting this language brings the situation back to current statute and practice. Section 43.540.2 states a qualified entity may request (but does not require) a Missouri criminal record review and a national criminal record review of a provider. DOS has an agreement with the MHP to directly access background data using a terminal placed in DOS and utilizing DOS staff. DOS assumes this arrangement will not change.

Oversight assumes, although the language regarding background checks is permissive, state agencies would utilize the provisions to screen employees and applicants.

The proposed legislation would affect total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs – Missouri State Highway Patrol</u> (§45.650)			
Personal Service (1 FTE)	(\$35,496)	(\$43,660)	(\$44,751)
Fringe Benefits	(\$17,886)	(\$22,000)	(\$22,550)
Equipment and Expense	(\$341,050)	(\$52,749)	(\$54,331)
Consulting Costs	(\$111,000)	\$0	\$0
State Data Center Charges	<u>(\$11,658)</u>	<u>(\$3,390)</u>	<u>(\$3,596)</u>
<u>Total Costs – MHP*</u>	(\$517,090)	(\$121,799)	(\$125,228)
<u>Costs – Department of Health and Senior Services (DHSS)</u>			
Personal Service (.5, 0, 0 FTE)	(\$21,889)	\$0	\$0
Fringe Benefits	(\$8,027)	\$0	\$0
Equipment and Expense	(\$50,000)	\$0	\$0
Personal Service (15.5 FTE)**	(\$253,362)	(\$470,724)	(\$470,724)
Equipment and Expense**	<u>(\$98,007)</u>	<u>(\$196,014)</u>	<u>(\$196,014)</u>
<u>Total Costs – DHSS</u>	<u>(\$431,285)</u>	<u>(\$666,738)</u>	<u>(\$666,738)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*	<u>(\$948,375)</u>	<u>(\$788,537)</u>	<u>(\$791,966)</u>
*MHP costs subject to appropriation			
**DHSS costs to continue funding program at current level			

CRIMINAL RECORDS SYSTEMS FUND	FY 2004 (10 Mo.)	FY 2005	FY 2006
<u>Revenues</u> – Missouri State Highway Patrol			
Fingerprint fees	\$5,077,370	\$1,117,010	\$1,117,010
<u>Costs</u> – Missouri State Highway Patrol			
Personal Service (7 FTE)	(\$126,044)	(\$155,034)	(\$158,910)
Fringe Benefits	(\$63,514)	(\$78,122)	(\$80,075)
Equipment and Expense	(\$7,321)	(\$999)	(\$1,029)
Pass through to FBI	<u>(\$3,206,760)</u>	<u>(\$705,480)</u>	<u>(\$705,480)</u>
<u>Total Costs</u> – MHP	(\$3,403,639)	(\$939,635)	(\$945,494)
ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEMS FUND	<u>\$1,673,731</u>	<u>\$177,375</u>	<u>\$171,516</u>
 HIGHWAY FUND			
<u>Costs</u> – Department of Revenue			
Programming/testing costs (\$43.530)	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON HIGHWAY FUND	<u>(\$6,360)</u>	<u>\$0</u>	<u>\$0</u>

URBAN AND TEACHER	FY 2004	FY 2005	FY 2006
EDUCATION REVOLVING FUND	(10 Mo.)		

Income – Department of Elementary and
 Secondary Education (DESE)

Receipts for criminal history checks (§43.540)	\$4,729,670	\$1,040,516	\$1,040,516
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Costs – (DESE)

To Missouri State Highway Patrol for criminal history checks (§43.540)	<u>(\$4,729,670)</u>	<u>(\$1,040,516)</u>	<u>(\$1,040,516)</u>
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**ESTIMATED NET EFFECT ON
 URBAN AND TEACHER
 EDUCATION REVOLVING FUND**

<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Local Government

FY 2004	FY 2005	FY 2006
(10 Mo.)		

POLITICAL SUBDIVISIONS

Costs – Local School Districts

Reimbursement to employees for criminal history checks (§43.540)	\$0 to (\$4,729,670)	\$0 to (\$1,040,516)	\$0 to (\$1,040,516)
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Costs – Prosecuting Attorneys

Increased personnel costs (§43.503)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT ON
 POLITICAL SUBDIVISIONS**

<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

ARREST, CHARGE, AND DISPOSITION OF MISDEMEANORS AND FELONIES

(including juveniles) – The proposal would require law enforcement agencies and the clerk of court to submit certain criminal arrest, charge, and disposition information to the central repository for the purpose of maintaining complete and accurate criminal history record information. If the person being reported is a juvenile and not certified as an adult, the name of the juvenile would not be made available to the central repository. The name would be provided to the court of jurisdiction by the agency taking the juvenile into custody. If the individual is certified as an adult, the court would order a law enforcement agency to fingerprint the individual. Once fingerprinted, the law enforcement agency would submit such fingerprints to the central repository (§43.503).

PAYMENTS FOR RECORDS, EXCEPTIONS – The proposal would remove the charge for information from the criminal registry for information supplied to criminal justice agencies (§43.527).

FEES, METHOD OF PAYMENT – CRIMINAL RECORD SYSTEM FUND – The proposal would limit the amount the highway patrol may charge of a criminal history check to \$5 for a non-fingerprint search and \$14 for a fingerprint search. The proposal would require fingerprints to be submitted for a criminal history check before issuing a school bus operator's permit (§43.530).

WHEN RECORDS MAY BE OBTAINED – The proposal would require the criminal history and identification records obtained from the central repository to be used only for the purpose for which they were obtained. The subject of the record would be allowed to challenge the accuracy of the criminal history record. This section would also give the criminal records repository exclusive authority to engage in collecting, assembling, or disseminating criminal history records. It would be a class A misdemeanor for a person to collect or disseminate criminal history record information to anyone other than the original requestor (§43.532).

CRIMINAL CONVICTION RECORD CHECKS – The proposal would define “authorized state agency,” “care,” “national criminal record review,” and “qualified entity” and expand the definition of “provider” to include any person who is employed by or seeks employment with a qualified entity; any person who volunteers with a qualified entity, owns or operates a qualified entity; or a person who has unsupervised access to children or the elderly. A qualified entity could obtain a criminal record review of a provider from the Highway Patrol by furnishing the information on forms that would be approved by the Highway Patrol. An authorized state

agency could agree to process state and national criminal record reviews for a qualified entity (§43.540).

DESCRIPTION (continued)

NATIONAL CRIME PREVENTION AND PRIVACY COMPACT – The proposal would require the state’s criminal history records repository to execute the compact on behalf of the State of Missouri (§43.542).

CERTAIN AGENCIES TO SUBMIT FINGERPRINTS – The proposal would allow certain agencies to require applicants to submit fingerprints for a criminal history check (§43.543).

SEARCHABLE SEX OFFENDER REGISTRY WEBSITE – The proposed legislation would require the highway patrol, subject to appropriation, to maintain a website on the Internet on which any person could search for registered sexual offenders by name, zip code, and a certain mile radius from an address. The website would contain the name, last known address, photograph, and crime or crimes for which the offender was convicted, for registered sexual offenders (§43.650).

COMPUTER/INTERNET-BASED VIOLATIONS – The proposed legislation would authorize the formation of multijurisdictional enforcement groups for the purpose of investigating computer or internet-based violations (§195.505).

FAMILY CARE SAFETY REGISTRY – The Family Care Safety Registry would include a check of MULES for sexual offender registrations (§210.903).

The proposal would allow the Department of Health and Senior Services to determine history and background for registration-exempt workers with a completed designated-release form and, as of January 1, 2004, check applicants through MULES for sexual offender registrations (§210.909).

USE OF REGISTRY INFORMATION – The proposal would allow the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to use registry information (§210.922).

The proposal would remove the January 1, 2004, sunset of the Family Care Safety Registry (§210.937)

DESCRIPTION (continued)

SEX OFFENDER REGISTRATION – Current law requires the county sheriff to forward the county's sex offender registration list to the law enforcement agencies of any city, town, or village in the county. The proposed legislation would require the list to be forwarded to the law enforcement agency for any college or university located within the county. The proposal would also require sex offenders to include in their registration information whether they are enrolled in a college and to update their registration information within seven days of changing their enrollment or employment with a college within the state (§§589.400, 589.407, 589.414).

GOVERNMENTAL BODIES AND RECORDS TO BE CONFIDENTIAL – The proposal would make closed records in Section 43.570, RSMo, available to agencies including: criminal justice agencies, person seeking criminal justice employment, screening persons with access to criminal justice facilities, law enforcement agencies for issuance or renewal of a licence, permit, certification, sentencing commission, Department of Revenue for drivers license administration, and the Department of Health and Senior Services for the purpose of licencing and regulating facilities and regulating in home service providers. A criminal justice agency receiving a request for criminal history information could require positive identification, including fingerprints (§610.120).

PROCEDURE TO EXPUNGE – This proposal would add fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record (§610.123).

DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION – The proposal would add the disqualification listing on the Department of Mental Health disqualification registry, listing on the Department of Social Services disqualification list and pleading not guilty or nolo contendere to any crime. The proposal would add the felonies of incest, first and second degree pharmacy robbery, causing a catastrophe, first degree burglary, and abuse or neglect of residence as disqualifying crimes. This section would also add that a person receiving an suspended imposition of sentence or suspended execution of sentence of any of the crimes listed in this section would be disqualified from employment. This section would require applicants for a direct care position to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant would also be require to disclose if he or she is listed on the employee disqualification list. Within two days of hiring for a position having contact with patients, any public or private residential facility would be required to: (1) request a criminal background check; (2) make an inquiry to the Department of Social Services and Department of Health and Senior Services where the person is on the disqualification list; and (3) inquire the Department of Mental Health whether the person is listed on the disqualification

registry. If an applicant knowingly fails to disclose his or her criminal history, he would be guilty

DESCRIPTION (continued)

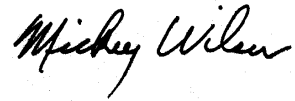
of a class A misdemeanor. A provider would be is guilty of a Class A misdemeanor if he or she knowingly hires a person that has been disqualified (§630.170).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Higher Education
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Transportation
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Social Services
Missouri Gaming Commission
Department of Public Safety
 – Missouri State Highway Patrol
 – Director's Office
Office of Prosecution Services
Office of Secretary of State
Office of State Public Defender

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A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
May 28, 2003